

# **Exhibit D**

**DECLARATION OF MARLENE G. GUTIERREZ**

Pursuant to 28 U.S.C. § 1746, I, Marlene G. Gutierrez, hereby declare as follows:

1. I have personal knowledge of the matters in this declaration and this is what I would testify to if called as a witness in Court.

2. I am 64 years old and am otherwise competent to testify.

3. I live in York, Pennsylvania and have lived in York for two years.

4. I am a corporate travel agent.

5. I first registered to vote in York County when I was 18 years old. After residing in various states and countries for several years, I registered to vote in York County again after moving back in September 2020.

6. I have been voting by mail for at least twenty to thirty years in the other states in which I resided. I opted to vote by mail because I do not like being in crowded areas like voting centers.

7. I vote every time I receive a mail-in ballot, including in primaries and in every presidential election.

8. Voting is important to me because I want my political party to represent my state.

9. I voted in 2022 because the race for the Senate seat was important to me and I wanted my preferred party to win.

10. I voted by mail this year. I requested and received a mail ballot from York County before the November 2022 election.

11. I remember I received my ballot packet at the beginning of October

2022, before the November election.

12. After I received my ballot, I marked it, inserted it into the secrecy envelope and the outer return envelope. I also signed the outer return envelope. I thought I followed all of the instructions.

13. I returned my ballot by putting it in my mailbox for delivery by USPS in the pre-printed envelope, and I received notice from York County that my ballot had been received.

14. On Election Day, I learned that the outer return envelope of my ballot is missing a date next to my signature. I heard a story about this issue on the radio and thought to myself that I did not remember seeing a place to mark the date on the ballot.

15. I received a text message from York County informing me that my ballot had been opened but not counted because it had not been signed or dated properly.

16. I did not attempt to cure my ballot because I was angry and perturbed that my vote would not be counted, and I felt that I could not do anything to fix it.

17. I am very upset that my ballot will not count. It seems very unfair that my ballot will not count because of something that has nothing to do with when the ballot is received or whether I am qualified to vote. I am upset that I was not given notice of this issue until Election Day because I did not have time to do anything about it.

18. I think it's very important to vote and that everyone's voice is heard. It is my duty as a citizen to vote and I like to support my party. I think everybody who votes should have their ballots counted. I would like my ballot counted for the

November 2022 election.

I declare under penalty of perjury that the foregoing is true and correct.

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Executed this November \_\_\_\_, 2022 in York, Pennsylvania.

A handwritten signature in black ink, appearing to read "Marlene G. Gutierrez", written over a horizontal line.

Marlene G. Gutierrez